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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GABRIEL ORTIZ, ANDREW GONZALES,
LANDON MICKEY MILLER, AND JOE
HUYNH,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC.,
Defendant.

Case No.: 5:09-cv-03485-LHK

**[Proposed] ORDER GRANTING
PLAINTIFFS' APPLICATION FOR AN
AWARD OF ATTORNEYS' FEES AND
COSTS**

DATE: February 2, 2012

TIME: 1:30 p.m.

LOCATION: Courtroom 8

The Honorable Lucy H. Koh

1 The Court having considered Class Counsel's Motion for an Award of Attorneys' Fees and
2 Costs, and the supporting declarations, and being familiar with this action, HEREBY FINDS AS
3 FOLLOWS:

4 1. Notice of the requested award of attorneys' fees and costs was directed to Class
5 Members in a reasonable manner, and complied with Rule 23(h)(1) of the Federal Rules of Civil
6 Procedure;

7 2. Class Members and any party from whom payment is sought have been given the
8 opportunity to object in compliance with Fed. R. Civ. P. 23(h)(2);
9

10 3. No Class Member has objected to the requested fees and expenses;
11

12 4. The attorneys' fees and costs in the Class Action Settlement Agreement were
13 negotiated after the class injunctive relief and monetary relief were negotiated;
14

15 5. The time spent by Class Counsel on this case, as described in the Declarations of
16 Jinny Kim and Joshua Konecky and documented by the billing records attached to those
17 declarations, was reasonable;

18 6. The rates claimed by the Legal Aid Society – Employment Law Center and
19 Schneider Wallace Cottrell Brayton Konecky LLP, as described in the Declarations of Jinny Kim
20 and Joshua Konecky, are consistent with the prevailing market rates in the Bay Area legal
21 community for attorneys and professional staff of comparable skill and experience doing
22 comparable work, and are reasonable;

23 7. The equitable relief in the Class Action Settlement Agreement is meaningful and
24 socially beneficial, and will greatly benefit Class Members;

25 8. The attorneys' fees requested are commensurate with Class Counsel's current
26 lodestar. Moreover, Class Counsel's lodestar will most likely be less than the fees requested
27 after they complete all their work in connection with this case over the 30-month settlement
28 term;
29

9. The costs and expenses incurred by Class Counsel are documented and reasonable;

10. The requested award of \$500,000.00 for attorneys' fees and reimbursement of costs and expenses is fair and reasonable.

Accordingly, IT IS HEREBY ORDERED as follows:

Class Counsel are hereby awarded attorneys' fees in the amount of \$500,000.00 and costs in the amount of \$71,295.54 for work performed and costs and expenses incurred through the hearing on final approval, plus any future costs incurred in connection with monitoring the Agreement up to a total maximum of \$85,000.00 for costs.

Dated: February 2, 2012

Lucy H. Koh
The Hon. Lucy H. Koh
United States District Judge